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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,426	05/10/2001	Takeshi Kobayashi	P/1139-101	6776

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EXAMINER

TRAN, TUAN A

ART UNIT	PAPER NUMBER
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2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/853,426

Applicant(s)

KOBAYASHI, TAKESHI

Examiner

Tuan A. Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (2 343 324) in view of Suso et al. (6,466,202).

Regarding claim 10, Lee discloses a folding portable communication unit (folded-type mobile phone) (See figs. 1-2 and 6) which is composed of first and second cabinets 100, 200 and a hinge 300 for supporting the first and second cabinets 100, 200 that they are rotational around the hinge 300 (See fig. 1) comprising: first display/key unit (display 16 and keypad) which displays a first information related to mobile telephone communication, inputs a first data related to the communication, and is situated on an obverse surface of the first cabinet 100; second display 18 which displays a second information related to mobile telephone communication and is situated on a rear cover of the second cabinet 200, wherein the second information can be watched in case that the first cabinet 100 and the second cabinet 200 are folded in the closed position; a common display driver 14 operable to drive both the first display and the second display; and a control unit (CPU) 10 operable to make the common display driver 14 decide which of the first display and the second display is to be used, wherein the folding portable communication unit being operable to permit verbal

telephone telecommunication only in case that the first and second cabinets 100, 200 are in an open position (See figs. 1-2 and 6 and page 5 line 9 to page 6 line 29, page 7 line 32 to page 8 line 27). However, Lee does not mention that a second key unit situated on the rear cover of the second cabinet 200 and from which the user inputs second data in a case that the first cabinet 100 and the second cabinet 200 are folded in the closed position. Suso teaches a folding portable communication unit comprising multi-functional keys 12b, 13b, 14b and a display 10 situated on a rear cover of the folding portable communication unit, wherein the multi-functional keys is used by a user to manipulate the display 10 (displaying information accordance with the user input) in a case that the folding portable communication unit is closed (See fig. 2a and col. 4 lines 45-67, col. 7 line 35 to col. 8 line 22). Since both Lee and Suso teach about folding communication units having auxiliary display for displaying information to the user when the folding communication unit are closed; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Suso in configuring the folding communication unit as disclosed by Lee with the multi-functional keys for the advantage of allowing the user to access and display various information without being required to open the cover of the folding communication unit.

Regarding claims 11-16, Lee & Suso disclose as cited in claim 10. Lee further discloses in another embodiment that the control unit comprises a means for detecting whether or not the first cabinet and the second cabinet are folded, and is operable to decide which of the first display and the second display to display various information (images or texts are widely known in the art to be displayed by mobile phone)

depending on a result of detection performed by the detecting means (See fig. 4 and page 7 line 1-17). Therefore, it would have been obvious to one of ordinary skill in the art to further modify the folded-type mobile phone as disclosed by Lee & Suso with such detecting means for the advantage of reducing power consumption of the mobile phone. Further with such modified folded-type mobile phone, various information will be displayed on the first display or the second display depending on both the state (open/close) of the mobile phone and then the user inputs.

Regarding claim 17, Lee & Suso disclose as cited in claim 10. Lee further discloses the first display 16 and the second display 18 are provided on the rear surface and the observe surface of the second cabinet 200 (See figs. 1-2).

Response to Arguments

Applicant's arguments, see Remark, filed 12/11/2006, with respect to the rejection(s) of claim(s) 10-16 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A. Tran whose telephone number is (571) 272-7858. The examiner can normally be reached on Mon-Fri, 10:00AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Tuan Tran
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